

SMITH & LOWNEY, P.L.L.C.  
2317 EAST JOHN STREET  
SEATTLE, WASHINGTON 98112  
(206) 860-2883, FAX (206) 860-4187

May 21, 2015

**Via Certified Mail – Return Receipt Requested**

Gina McCarthy  
Administrator  
U.S. EPA  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**RECEIVED ON:**

**MAY 28 2015**

ORC

EPA Region 10  
Office of the Regional Administrator

**Via Certified Mail – Return Receipt Requested**

Attorney General – Citizen Suit Coordinator  
Environmental and Natural Resources Division  
Law and Policy Section  
P.O. Box 7415  
Ben Franklin Station  
Washington, D.C. 20044-7415

**Via Certified Mail – Return Receipt Requested**

Dennis McLerran, Administrator  
U.S. EPA Region 10  
1200 Sixth Ave.  
Seattle WA 98101

Re: *Waste Action Project v. Astro Auto Wrecking, LLC*, W.D. Wash. No. 15-cv-796

Dear Honorable Civil Servants,

Enclosed is a copy of the complaint filed today in the Western District of Washington in the above-named Clean Water Act citizen suit. This notice is provided to you pursuant to 40 CFR 135.4.

Sincerely,

SMITH & LOWNEY, P.L.L.C.

By: s/ Elizabeth H. Zultoski  
Elizabeth H. Zultoski



Richard A. Smith  
Elizabeth Zultoski  
SMITH & LOWNEY, PLLC  
2317 East John Street  
Seattle, Washington 98112  
(206) 860-2883

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASTE ACTION PROJECT,	)	
	)	
Plaintiff,	)	COMPLAINT
v.	)	
	)	
ASTRO AUTO WRECKING, LLC,	)	
	)	
Defendant.	)	
	)	
	)	

**I. INTRODUCTION**

1. This action is a citizen suit brought under Section 505 of the Clean Water Act ("CWA") as amended, 33 U.S.C. § 1365. Plaintiff, Waste Action Project, seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys' and expert witness fees, for defendant Astro Auto Wrecking, LLC's ("Defendant") repeated and ongoing violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of the National Pollutant Discharge Elimination System

COMPLAINT - 1

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1 (“NPDES”) permit authorizing discharges of pollutants from Defendant’s facility to navigable  
2 waters.

## 3 II. JURISDICTION AND VENUE

4 2. The Court has subject matter jurisdiction under Section 505(a) of the CWA, 33  
5 U.S.C. § 1365(a). The relief requested herein is authorized by 33 U.S.C. §§ 1319(d) and  
6 1365(a).  
7

8 3. In accordance with Section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A),  
9 Waste Action Project notified Defendant of Defendant’s violations of the CWA and of Waste  
10 Action Project’s intent to sue under the CWA by letter dated and postmarked March 11, 2015  
11 (“Notice Letter”). A copy of the Notice Letter is attached to this complaint as Exhibit 1. The  
12 allegations in the Notice Letter are incorporated herein by this reference. In accordance with 33  
13 U.S.C. § 1365(b)(1)(A) and 40 C.F.R. § 135.2(a)(1), Waste Action Project provided copies of the  
14 Notice Letter to Defendant’s Registered Agent, the Administrator of the United States  
15 Environmental Protection Agency (“USEPA”), the Administrator of USEPA Region 10, and the  
16 Director of the Washington Department of Ecology (“WDOE”) by mailing copies to these  
17 individuals on March 11, 2015.  
18  
19

20 4. At the time of the filing of this Complaint, more than sixty (60) days have passed  
21 since the Notice Letter and copies thereof were issued in the manner described in the preceding  
22 paragraph.  
23

24 5. The violations complained of in the Notice Letter are continuing or are reasonably  
25 likely to re-occur. Defendant is in violation of its NPDES permit and the CWA.

26 6. At the time of the filing of this Complaint, neither the USEPA nor the WDOE has  
27 commenced any action constituting diligent prosecution to redress these violations.  
28



1           7.       The source of the violations complained of is located in King County,  
2 Washington, within the Western District of Washington, and venue is therefore appropriate in  
3 the Western District of Washington under Section 505(c)(1) of the CWA, 33 U.S.C. §  
4 1365(c)(1).  
5

### 6                                   **III. PARTIES**

7           8.       Plaintiff, Waste Action Project, is suing on behalf of itself and its member(s).  
8 Waste Action Project is a non-profit corporation organized under the laws of the State of  
9 Washington. Waste Action Project is a membership organization and has at least one member  
10 who is injured by Defendant's violations. Waste Action Project is dedicated to protecting and  
11 preserving the environment of Washington State, especially the quality of its waters.  
12

13           9.       Plaintiff has representational standing to bring this action. Waste Action Project's  
14 members are reasonably concerned about the effects of discharges of pollutants, including  
15 stormwater from Defendant's facility, on aquatic species and wildlife that Plaintiff's members  
16 observe, study, and enjoy. Waste Action Project's members are further concerned about the  
17 effects of discharges from Defendant's facility on human health. In addition, discharges from  
18 Defendant's facility lessen Waste Action Project's members' aesthetic enjoyment of nearby  
19 areas. Waste Action Project has members who live, work, fish, and recreate around the East  
20 Fork Hylebos Creek, the Hylebos Waterway, Commencement Bay, and/or Puget Sound and are  
21 affected by Defendant's discharges. Waste Action Project members' concerns about the effects  
22 of Defendant's discharges are aggravated by Defendant's failure to record and timely report  
23 information about its discharges and pollution controls. The recreational, scientific, economic,  
24 aesthetic and/or health interest of Waste Action Project and its members have been, are being,  
25  
26  
27  
28  
29

1 and will be adversely affected by Defendant's violations of the CWA. The relief sought in this  
2 lawsuit can redress the injuries to these interests.

3 10. Waste Action Project has organizational standing to bring this action. Waste  
4 Action Project has been actively engaged in a variety of educational and advocacy efforts to  
5 improve water quality and to address sources of water quality degradation in the waters of  
6 western Washington, including the East Fork Hylebos Creek, the Hylebos Waterway,  
7 Commencement Bay, and/or Puget Sound. Defendant has failed to fulfill monitoring,  
8 recordkeeping, reporting and planning requirements, among others, necessary for compliance  
9 with its NPDES permit and the CWA. As a result, Waste Action Project is deprived of  
10 information necessary to properly serve its members by providing information and taking  
11 appropriate action to advance its mission. Waste Action Project's efforts to educate and  
12 advocate for greater environmental protection, and to ensure the success of environmental  
13 restoration projects implemented for the benefit of its members are also precluded. Thus, Waste  
14 Action Project's organizational interests have been adversely affected by Defendant's violations.  
15 These injuries are fairly traceable to Defendant's violations and redressable by the Court.  
16

17 11. Defendant is a corporation authorized to conduct business under the laws of the  
18 State of Washington.  
19

20 12. Defendant owns and operates an auto-wrecking facility at or about 37307  
21 Enchanted Parkway South, Federal Way, WA 98003, and contiguous and/or adjacent properties  
22 (referred to herein as the "facility").  
23

#### 24 IV. LEGAL BACKGROUND

25 13. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of  
26 pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a)  
27

prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

14. The State of Washington has established a federally approved state NPDES program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch. 173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C. § 1342(b).

15. The WDOE has repeatedly issued the Industrial Stormwater General Permit (“Permit”) under Section 402(a) of the CWA, 33 U.S.C. § 1342(a), most recently on October 21, 2009, effective January 1, 2010, modified May 16, 2012 (the “2010 Permit”), and on December 3, 2014, effective January 2, 2015 (the “2015 Permit”). The 2010 Permit and the 2015 Permit (collectively, “the Permits”) contain substantially similar requirements and authorize those that obtain coverage thereunder to discharge stormwater associated with industrial activity, a pollutant under the CWA, and other pollutants contained in the stormwater to the waters of the State subject to certain terms and conditions.

16. The Permits impose certain terms and conditions on those covered thereby, including monitoring and sampling of discharges, reporting and recordkeeping requirements, as well as restrictions on the quality of stormwater discharges. To reduce and eliminate pollutant concentrations in stormwater discharges, the Permits require, among other things, that permittees develop and implement best management practices (“BMPs”) and a Stormwater Pollution Prevention Plan (“SWPPP”), and apply all known and reasonable methods of prevention, control, and treatment (“AKART”) to discharges. The specific terms and conditions of the Permits are described in detail in the Notice Letter. See Exhibit 1.

## V. FACTS



17. Defendant filed with the WDOE applications for coverage under the Permits. WDOE granted Defendant coverage under the 2010 permit, effective May 21, 2010, under Permit Number WAR011869. WDOE granted Defendant coverage under the 2015 Permit under the same permit number.

18. Defendant's facility discharges stormwater to the East Fork Hylebos Creek, the Hylebos Waterway, Commencement Bay, and Puget Sound.

19. Defendant has violated the Permits and Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, by discharging pollutants not in compliance with an NPDES Permit. Defendant's violations of the Permits and the CWA are set forth in the Notice Letter attached hereto as Exhibit 1 and are incorporated herein by this reference. In particular and among the other violations described in the Notice Letter, Defendant has violated the Permits by failing to monitor discharges, implement BMPs to control stormwater quality, to timely complete adaptive management responses required by the Permits, and to timely submit complete and accurate reports.

20. Defendant has discharged stormwater containing levels of pollutants that exceed the benchmark values established by the Permits, including on the days on which Defendant collected samples with the results identified in bold in Table 1 below:

**Table 1: Discharge Monitoring Data for Astro under 2010 Permit**

Quarter for which data reported	Turbidity (Benchmark = 25 NTU)	pH (Benchmark = outside range of 5-9 su)	Zinc (Benchmark = 117 µg/L)	Copper (Effluent Limitation = 2.7 µg/L daily max)	Oil Sheen (Benchmark = N)	Lead (Benchmark = 81.6 µg/L)	Total Petroleum Hydrocarbons (Benchmark = 10 mg/L)
1Q 2011	<b>156</b>	7.6	<b>190</b>	<b>36</b>	N	<b>120</b>	<b>10.8</b>

1 Key: Bold = benchmark exceedances or effluent limitation violation; N = No

2  
3 The Permits require Defendant's monitoring to be representative of discharges from the facility.  
4 The stormwater monitoring data provided in Table 1 reflects the stormwater monitoring results  
5 that Defendant has submitted to the WDOE.  
6

7 21. Defendant's exceedances of the benchmark values indicate that Defendant is  
8 failing to apply AKART to its discharges and/or is failing to implement an adequate SWPPP and  
9 BMPs. Upon information and belief, Defendant violated the Permits by not developing,  
10 modifying, and/or implementing BMPs and a SWPPP in accordance with the requirements of the  
11 Permits, by not applying AKART to discharges from the facility. These requirements and  
12 Defendant's violations thereof are described in detail in sections I and II of the Notice Letter,  
13 attached hereto as Exhibit 1.  
14

15 22. Defendant has violated the monitoring requirements of the Permits. The  
16 monitoring requirements and Defendant's violations thereof are described in section III of the  
17 Notice Letter, attached hereto as Exhibit 1.  
18

19 23. Defendant has not conducted and/or completed the corrective action responses as  
20 required by the Permits. These requirements of the Permits and Defendant's violations thereof  
21 are described in section IV of the Notice Letter, attached hereto as Exhibit 1.  
22

23 24. Condition S8.B of the Permits require a permittee to undertake a Level 1  
24 corrective action whenever it exceeds a benchmark value identified in Condition S5. A Level 1  
25 corrective action comprises review of the SWPPP to ensure permit compliance, revisions to the  
26 SWPPP to include additional operational source control BMPs with the goal of achieving the  
27 applicable benchmark values in future discharges, signature and certification of the revised  
28

29 COMPLAINT - 7

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1 SWPPP, summary of the Level 1 corrective action in the annual report, and full implementation  
2 of the revised SWPPP as soon as possible, but no later than the DMR due date for the quarter the  
3 benchmark was exceeded. Condition S8.A of the 2015 Permit requires that Defendant  
4 implement any Level 1 corrective action required by the 2010 Permit.

5 25. Defendant triggered Level 1 corrective action requirements for each benchmark  
6 exceedance identified in Table 1 above. Defendant has violated the requirements of the Permits  
7 described above by failing to conduct a Level 1 corrective action in accordance with Permit  
8 conditions, including the required review, revision, and certification of the SWPPP, the required  
9 implementation of additional BMPs, and the required summarization in the annual report, each  
10 time since May 21, 2010, that its quarterly stormwater sampling results were greater than a  
11 benchmark or outside the benchmark range for pH, including the benchmark excursions listed in  
12 Table 1 above. These corrective action requirements and Defendant's violations thereof are  
13 described in section IV.A of the Notice Letter, attached hereto as Exhibit 1.  
14

15 26. Condition S6.C of the Permits establishes a numeric effluent limitation for total  
16 copper concentrations in Defendant's discharges of 2.7 µg/L because Defendant discharges to a  
17 303(d)-listed waterbody and Ecology set this site-specific effluent limitation for Defendant at the  
18 time of permit coverage. Defendant violated this effluent limitation in the 1st quarter of 2011 as  
19 indicated in Table I above. These effluent limitation requirements and Defendant's violation  
20 thereof are described in section V of the Notice Letter, attached hereto as Exhibit 1.  
21

22 27. Condition S9.B of the Permits requires Defendant to submit an accurate and  
23 complete annual report to WDOE no later than May 15<sup>th</sup> of each year that includes specific  
24 information. Defendant has violated these requirements. For example, Defendant violated this  
25 condition by failing to include all of the required information in the annual reports it submitted  
26

1 for years 2010 and 2012. Defendant also violated these requirements by failing to submit annual  
2 reports that include all the required information during 2011, 2013, and 2014. These annual  
3 report requirements and Defendant's violations thereof are described in section VI of the Notice  
4 Letter, attached hereto as Exhibit 1.

5  
6 28. Upon information and belief, Defendant has failed to comply with recording and  
7 record keeping requirements of the Permits. These requirements and Defendant's violations  
8 thereof are described in section VII of the Notice Letter, attached hereto as Exhibit 1.

9  
10 29. Defendant has failed to provide a copy of, or access to, its SWPPP pursuant to  
11 Plaintiff's request in the Notice Letter, and has thereby the requirements of the Permit. This  
12 requirement and violation is described in section VIII of the Notice Letter, attached hereto as  
13 Exhibit 1.

14  
15 30. Discharges from Defendant's facility contribute to the polluted conditions of the  
16 waters of the State, including the East Fork Hylebos Creek, the Hylebos Waterway,  
17 Commencement Bay, and/or Puget Sound. Discharges from Defendant's facility contribute to  
18 the ecological impacts that result from the polluted condition of these waters and to Waste  
19 Action Project and its members' injuries resulting therefrom.

20  
21 31. The vicinity of the facility's discharges are used by the citizens of Washington  
22 and visitors, as well as at least one of Waste Action Project's members, for recreational  
23 activities, including boating, biking, fishing and nature watching. Waste Action Project's  
24 members also derive aesthetic benefits from the receiving waters. Waste Action Project's and its  
25 members' enjoyment of these activities and waters is diminished by the polluted state of the  
26 receiving waters and by Defendant's contributions to such polluted state.  
27  
28  
29

33. Defendant's violations were avoidable had Defendant been diligent in overseeing facility operations and maintenance.

34. Defendant benefited economically as a consequence of its violations and failure to implement improvements at the facility.

34. Defendant benefited economically as a consequence of its violations and failure to implement improvements at the facility.

## VI. CAUSE OF ACTION

35. The preceding paragraphs and the allegations in the Notice Letter, attached hereto as Exhibit 1, are incorporated herein.

36. Defendant's violations of its NPDES permits described herein and in the Notice Letter constitute violations of sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and violations of "effluent standard(s) or limitation(s)" as defined by section 505 of the CWA, 33 U.S.C. § 1365.

37. Upon information and belief, the violations committed by Defendant are ongoing or are reasonably likely to continue to occur. Any and all additional violations of the Permits and the CWA which occur after those described in Waste Action Project's Notice Letter but before a final decision in this action should be considered continuing violations subject to this Complaint.

38. Without the imposition of appropriate civil penalties and the issuance of an injunction, Defendant is likely to continue to violate the Permits and the CWA to the further injury of Waste Action Project, its members, and others.

39. A copy of this Complaint will be served upon the Attorney General of the United States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).



**VII. RELIEF REQUESTED**

Wherefore, Waste Action Project respectfully requests that this Court grant the following relief:

A. Issue a declaratory judgment that Defendant has violated and continues to be in violation of the Permits and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342;

B. Enjoin Defendant from operating the facility in a manner that results in further violations of the Permits or the CWA;

C. Order Defendant to immediately implement a SWPPP that is in compliance with the Permits;

D. Order Defendant to allow Waste Action Project to participate in the development and implementation of Defendant's SWPPP;

E. Order Defendant to provide Waste Action Project, for a period beginning on the date of the Court's Order and running for two years after Defendant achieves compliance with all of the conditions of the Permits, with copies of all reports and other documents which Defendant submits to the USEPA or to the WDOE regarding Defendant's coverage under the Permit at the time those documents are submitted to these agencies;

F. Order Defendant to take specific actions to remediate the environmental harm caused by its violations;

G. Grant such other preliminary and/or permanent injunctive relief as Waste Action Project may from time to time request during the pendency of this case;

H. Order Defendant to pay civil penalties of \$37,500.00 per day of violation for each violation committed by Defendant pursuant to Sections 309(d) and 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19;

I. Award Waste Action Project its litigation expenses, including reasonable attorneys' and expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. § 1365(d); and

J. Award such other relief as this Court deems appropriate.

RESPECTFULLY SUBMITTED this 21th day of May, 2015.

SMITH & LOWNEY, PLLC

By: s/Elizabeth H. Zultoski  
Elizabeth H. Zultoski, WSBA # 44988

By: s/Richard A. Smith  
Richard A. Smith, WSBA # 21788

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Tel: (206) 860-2883; Fax: (206) 860-4187  
Email: rasmithwa@igc.org elizabethz@igc.org

*Attorneys for plaintiff Waste Action Project*



**EXHIBIT 1**

**SMITH & LOWNEY, P.L.L.C.**

2317 EAST JOHN STREET  
SEATTLE, WASHINGTON 98112  
(206) 860-2883, FAX (206) 860-4187

March 11, 2015

**Via Certified Mail - Return Receipt Requested**

Managing Agent  
Astro Auto Wrecking, LLC  
37307 Enchanted Pkwy S.  
Federal Way, WA 98003-7614

Re: **NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND  
REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION  
PLAN**

Dear Managing Agent:

We represent Waste Action Project, P.O. Box 4832, Seattle, WA 98194, (253) 639-7245. Any response or correspondence related to this matter should be directed to Smith and Lowney, P.L.L.C. at the letterhead address. This letter is to provide you with sixty days notice of Waste Action Project's intent to file a citizen suit against Astro Auto Wrecking, LLC ("Astro") under section 505 of the Clean Water Act ("CWA"), 33 U.S.C. § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Astro's National Pollution Discharge Elimination System ("NPDES") permit.

Astro was granted coverage effective May 21, 2010, under the Washington Industrial Stormwater General Permit ("ISGP") issued by Ecology on October 21, 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, and remaining effective through January 1, 2015, under NPDES Permit No. WAR011869 (the "2010 Permit"). Ecology granted coverage under the current iteration of the ISGP, issued by Ecology on December 3, 2014, effective January 2, 2015, and set to expire on December 31, 2019, (the "2015 Permit") and maintains the same permit number, WAR011869.

Astro has violated and continues to violate the terms and conditions of the 2010 Permit and 2015 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility located at or near 37307 Enchanted Pkwy S, Federal Way, Washington 98003 (the "facility"). The facility subject to this notice includes any contiguous or adjacent properties owned or operated by Astro.

## I. COMPLIANCE WITH STANDARDS.

### A. Violations of Water Quality Standards.

Condition S10.A of the Permits prohibit discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric standards. Furthermore, narrative water quality standards apply with equal force, even when Ecology has established numeric water quality standards. Specifically, Condition S10.A of the Permits require that Astro's discharges not cause or contribute to violations of Washington State's water quality standards.

Astro discharges stormwater to the East Fork Hylebos Creek, which is a tributary to the Hylebos Waterway, which flows to Commencement Bay in Puget Sound. Astro discharges stormwater that contains elevated levels of turbidity, total petroleum hydrocarbons, lead, zinc, and copper as indicated in the table of discharge monitoring data below. Discharges of stormwater from the facility cause and/or contribute to violations of water quality standards for turbidity, zinc, lead, copper, and aesthetic criteria and have occurred each and every day since May 21, 2010, on which there was 0.1 inch or more of precipitation, and continue to occur. These water quality standards include those set forth in WAC 173-201A-200(1)(e), -240, and -260(2). Precipitation data from each day since May 21, 2010, are appended to this notice of intent to sue and identify days when precipitation met or exceed 0.1 inches per day.

Table 1: Discharge Monitoring Data for Astro under 2010 Permit							
Quarter for which data reported	Turbidity (Benchmark = 25 NTU)	pH (Benchmark = outside range of 5-9 su)	Zinc (Benchmark = 117 µg/L)	Copper (Effluent Limitation = 2.7 µg/L daily max)	Oil Sheen (Benchmark = N)	Lead (Benchmark = 81.6 µg/L)	Total Petroleum Hydrocarbons (Benchmark = 10 mg/L)
1Q 2011	<b>156</b>	7.6	<b>190</b>	<b>36</b>	N	<b>120</b>	<b>10.8</b>

**Key: Bold = benchmark exceedances or effluent limitation violation; N = No**



**B. Compliance with Standards.**

Condition S10.C of the Permits requires Astro to apply all known and reasonable methods of prevention, control and treatment (“AKART”) to all discharges, including preparing and implementing an adequate SWPPP and best management practices (“BMPs”). Astro has violated and continues to violate these conditions by failing to apply AKART to its discharges by, among other things, failing to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge. *See* Table 1; Section II. These violations have occurred on each and every day since May 21, 2010, and continue to occur every day.

Condition S1.A of the Permits require that all discharges and activities authorized be consistent with the terms and conditions of the permit. Astro has violated this condition by discharging and acting inconsistent with the conditions of the Permits as described in this Notice of Intent to Sue.

**II. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.**

Waste Action Project hereby provides notice, based upon information and belief, that Astro has not developed and implemented a SWPPP that complies with the requirements of the Permits. An inspection conducted by Ecology in March 2014, indicated that Astro has not developed nor implemented a SWPPP as required. In the following section, Waste Action Project provides notice of SWPPP violations on information and belief.

Condition S3.A.1 of the Permits require Astro to develop and implement a SWPPP as specified in these permits. Condition S3.A.2 of the Permits require the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Astro has violated these requirements of the Permits each and every day since May 21, 2010, and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART and BMPs necessary to comply with state water quality standards.

Condition S3.A of the Permits require Astro to have and implement a SWPPP that is consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. On information and belief, Astro has violated these requirements of the Permits each and every day since May 21, 2010, and continues to violate them because its SWPPP is not consistent with permit requirements, is not fully implemented, and has not been updated as necessary.

The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits requires that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.B.4 of the 2015 Permit requires that the SWPPP detail how and where the selected BMPs will be implemented. Condition S3.A.3 of the Permits requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are



demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Astro's SWPPP does not comply with these requirements because it does not adequately describe and explain in detail the BMPs selected, does not include BMPs consistent with approved stormwater technical manuals, and does not include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

Astro's SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment. The SWPPP fails to include an adequate facility assessment because it does not describe the industrial activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, the regular business hours, and the seasonal variations in business hours or in industrial activities.

Astro's SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies significant features, the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

Astro's SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may potentially be sources of pollutants. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, onsite dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance, and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these permit conditions.

Astro's SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not include an inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for each material describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such materials and a list of



significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

Astro's SWPPP does not comply with Condition S3.B.3 of the Permits because it does not identify specific individuals by name or title whose responsibilities include SWPPP development, implementation, maintenance and modification.

Condition S3.B.4 of the Permits requires that permittees include in their SWPPPs and implement certain mandatory BMPs unless site conditions render the BMP unnecessary, infeasible, or an alternative and equally effective BMP are provided. Astro is in violation of this requirement because it has failed to include in its SWPPP and implement the mandatory BMPs of the Permits.

Astro's SWPPP does not comply with Condition S3.B.4.b.i of the Permits because it does not include required operational source control BMPs in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage and treatment facilities, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, material management practices, how training will be conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, including identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how Astro will comply with signature and record retention requirements, certification of compliance with the SWPPP and Permit, and all inspection reports completed by Astro).

Astro's SWPPP does not comply with Condition S3.B.4.b.i.7 of the Permits because it does not include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

Astro's SWPPP does not comply with Condition S3.B.4.b.ii of the Permits because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. Astro's SWPPP does not comply with Condition S3.B.4.b.iii of the Permits because it does not include treatment BMPs as required.



Astro's SWPPP fails to comply with Condition S3.B.4.b.v of the Permits because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

Astro's SWPPP fails to satisfy the requirements of Condition S3.B.5 of the Permits because it fails to include a stormwater sampling plan as required. The SWPPP does not include a sampling plan that identifies points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to the a laboratory, identifies parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

### **III. MONITORING AND REPORTING VIOLATIONS.**

#### **A. Failure to Collect Quarterly Samples.**

Condition S4.B of the Permits require Astro to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require Astro to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met.

Astro violated these requirements by failing to collect stormwater samples from each distinct point of discharge offsite in compliance with the requirements of the 2010 Permit during the following quarters:

- 2nd Quarter 2010
- 3rd Quarter 2010
- 4th Quarter 2010
- 2nd Quarter 2011
- 3rd Quarter 2011
- 4th Quarter 2011
- 1st Quarter 2012
- 2nd Quarter 2012
- 3rd Quarter 2012
- 4th Quarter 2012
- 1st Quarter 2013
- 2nd Quarter 2013
- 3rd Quarter 2013
- 4th Quarter 2013
- 1st Quarter 2014
- 2nd Quarter 2014
- 3rd Quarter 2014

4th Quarter 2014

Astro has also violated and continues to violate these conditions because it does not sample each distinct point of discharge off-site each quarter. These violations have occurred and continue to occur each and every quarter since May 21, 2010, that Astro was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not all, points of discharge. These violations will continue until Astro commences monitoring all distinct points of discharge.

**B. Failure to Analyze Quarterly Samples.**

Condition S5.A.1 and 2 and S5.B.1 of the Permits requires Astro to analyze stormwater samples collected quarterly for turbidity, pH, total copper, total zinc, oil sheen, petroleum hydrocarbons, and lead.

Astro violated these conditions by failing to analyze stormwater samples for any of the required parameters during the following quarters:

2nd Quarter 2010  
3rd Quarter 2010  
4th Quarter 2010  
2nd Quarter 2011  
3rd Quarter 2011  
4th Quarter 2011  
1st Quarter 2012  
2nd Quarter 2012  
3rd Quarter 2012  
4th Quarter 2012  
1st Quarter 2013  
2nd Quarter 2013  
3rd Quarter 2013  
4th Quarter 2013  
1st Quarter 2014  
2nd Quarter 2014  
3rd Quarter 2014  
4th Quarter 2014

**C. Failure to Timely Submit Discharge Monitoring Reports.**

Condition S9.A of the Permits require Astro to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period. Astro has violated these conditions by failing to submit a DMR within the time prescribed for the following quarters:

2nd Quarter 2010

2nd Quarter 2011  
2nd Quarter 2012  
1st Quarter 2013  
2nd Quarter 2013  
3rd Quarter 2013  
4th Quarter 2013  
1st Quarter 2014  
2nd Quarter 2014  
3rd Quarter 2014  
4th Quarter 2014

**D. Failure to Comply with Visual Monitoring Requirements.**

Condition S7.A of the Permits requires that monthly visual inspections be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional or different BMPs are needed).

Condition S7.C of the Permits requires that Astro record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the Permits, a summary report and schedule of implementation of the remedial actions that Astro plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Astro is in violation of these requirements of Condition S7 of the Permits because, since May 21, 2010, it has failed to conduct each of the requisite visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.



#### **IV. CORRECTIVE ACTION VIOLATIONS.**

##### **A. Violations of the Level One Requirements of the Permits.**

Condition S8.B of the Permits requires Astro take specified actions, called a “Level One Corrective Action,” each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH. Condition S8.A of the 2015 Permit requires that Astro implement any Level One Corrective Action required by the 2010 Permit.

As described by Condition S8.B of the Permits, a Level One Corrective Action requires Astro: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B.4 of the Permits requires that Astro implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Tables 2 and 3 of the Permits establish the following benchmarks: turbidity 25 NTU; pH 5 – 9 SU; total copper 14 µg/L; total zinc 117 µg/L; lead 81.6 µg/L; and petroleum hydrocarbons 10 mg/L.

Astro has violated the requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since May 21, 2010, that quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 in Section I.A. of this letter.

These benchmark excursions are based upon information currently available to Waste Action Project from Ecology’s publicly available records. Waste Action Project provides notice of its intent to sue Astro for failing to comply with all of the Level One Corrective Action requirements described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since May 21, 2010, its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 above.

## **V. EFFLUENT LIMITATIONS**

Condition S6.C. of the Permits establishes a numeric effluent limitation for total copper concentrations in Astro's discharges of 2.7 µg/L because Astro discharges to a 303(d)-listed waterbody and Ecology set this site-specific effluent limitation for Astro at the time of permit coverage. Astro violated this effluent limitation in the 1st quarter of 2011 as indicated in Table I in section I.A. of this notice of intent to sue.

## **VI. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.**

Condition S9.B of the Permits requires Astro to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B through S8.D. If a corrective action is not yet completed at the time of submission of the annual report, Astro must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2, or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date Astro expects to complete corrective actions. Astro has violated this condition by failing to include all of the required information in the annual report it submitted for 2010 and 2012, and by failing to submit reports for 2011 and 2013.

The annual report submitted by Astro for 2010 (on April 27, 2011) does not include any of the required information. For example, the report does not describe any of the stormwater problems identified, identify benchmark exceedances, nor explain the corrective actions taken.

The annual report submitted by Astro for 2012 (on March 14, 2013) does not include any of the required information. The report does not describe any of the stormwater problems identified, identify benchmark exceedances, nor explain the corrective actions taken. For example, the report fails to explain that the owner refused to allow Ecology onto the facility for an inspection in November 2012.

## **VII. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.**

### **A. Failure to Record Information.**

Condition S4.B.3 of the Permits requires Astro to record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Astro collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Astro could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, Astro is in violation of



these conditions as it has not recorded each of these specified items for each sample taken since May 21, 2010.

**B. Failure to Retain Records.**

Condition S9.C of the Permits requires Astro to retain for a minimum of five years a copy of the Permits, a copy of Astro's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the Permits. Upon information and belief, Astro is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation since May 21, 2010.

**VIII. REQUEST FOR SWPPP.**

Pursuant to Condition S9.F of the 2015 Permit, Waste Action Project hereby requests that Astro Auto Wrecking, LLC provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should Astro fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this Notice of Intent to Sue and any ensuing lawsuit.

**IX. CONCLUSION.**

The above-described violations reflect those indicated by the information currently available to Waste Action Project. These violations are ongoing. Waste Action Project intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.


Under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), each of the above-described violations subjects the violator to a penalty of up to \$37,500 per day for each violation. In addition to civil penalties, Waste Action Project will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 U.S.C. § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Waste Action Project believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. Waste Action Project intends, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Astro Auto Wrecking, LLC, under Section 505(a) of the Clean Water Act for the violations described herein.

Waste Action Project is willing to discuss effective remedies for the violations described in this letter and settlement terms during the 60-day notice period. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within ten (10) days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

SMITH & LOWNEY, PLLC

By:   
Elizabeth H. Zultoski

cc: Gina McCarthy, Administrator, U.S. EPA  
Dennis McLerran, Region 10 Administrator, U.S. EPA  
Maia Bellon, Director, Washington Department of Ecology  
Registered Agent, Sherry J. McMilian, 37307 Enchanted Pkwy. S, Federal WA 98003



Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
2010		16	0	12	0	9	0.22
May	sum	17	0	13	0	10	T
21	0.1	18	0	14	0	11	0.13
22	0.01	19	0	15	0.14	12	0
23	0.03	20	0	16	0.6	13	0.12
24	0	21	0	17	1.49	14	0.27
25	0.06	22	0.01	18	0.78	15	0.14
26	0.23	23	0	19	0.36	16	0
27	0.11	24	0	20	0.02	17	0.17
28	0.45	25	0	21	0	18	0.2
29	0.06	26	0	22	0	19	0.06
30	0.11	27	0	23	0.26	20	T
31	0.31	28	0	24	0	21	0.01
2010		29	0	25	0	22	0.15
Jun	sum	30	0	26	0.39	23	T
1	0.15	31	0	27	0.03	24	0
2	0.37	2010		28	T	25	0.01
3	0.03	Aug	sum	29	0	26	0.29
4	0.18	1	0	30	T	27	0.01
5	0	2	0	2010		28	0.02
6	0.33	3	0	Oct	sum	29	0.1
7	0.01	4	0	1	0	30	0.64
8	0.25	5	0.02	2	0	2010	
9	0.25	6	0	3	0	Dec	sum
10	0.18	7	0.19	4	0	1	T
11	0.1	8	0.03	5	0	2	T
12	0	9	T	6	0	3	0
13	0	10	0	7	0	4	0
14	0	11	0	8	0.12	5	T
15	0.19	12	0	9	1.21	6	0.01
16	0.18	13	0	10	0.74	7	0.35
17	0	14	0	11	0	8	0.51
18	0	15	0	12	0	9	0.89
19	0.06	16	0	13	0	10	0
20	0.21	17	0	14	0.12	11	1.42
21	0	18	0	15	0	12	2.19
22	0	19	T	16	0	13	0.46
23	0	20	0	17	0	14	0.82
24	0	21	0.01	18	0	15	0.11
25	T	22	0	19	0	16	0.02
26	0	23	0	20	0	17	0
27	0	24	0	21	T	18	0.08
28	0	25	0	22	0.05	19	0.14
29	0	26	T	23	0.38	20	0.03
30	0	27	0	24	0.72	21	0.01
2010		28	0	25	1.08	22	0.01
Jul	sum	29	0	26	0.19	23	0.25
1	0.01	30	0	27	T	24	0.44
2	0.18	31	0.39	28	0.07	25	0.32
3	0	2010		29	0.01	26	0.09
4	0.11	Sep	sum	30	0.39	27	0.44
5	0	1	0	31	0.16	28	0.01
6	0	2	0	2010		29	0.09
7	0	3	0	Nov	sum	30	0
8	0	4	0.01	1	1.56	31	0
9	0	5	0	2	0.02	2011	
10	T	6	0.12	3	0	Jan	sum
11	0	7	0.26	4	0	1	0
12	T	8	0.31	5	0.17	2	0
13	0	9	0.03	6	0.7	3	0
14	0	10	0	7	0.06	4	0.03
15	0	11	0	8	0	5	0.12

Precipitation data—SeaTac Airport

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
6	0.17	8	0.16	8	0.02	6	0
7	0.37	9	1.47	9	0	7	0.03
8	0.03	10	0.55	10	0	8	0.01
9	0.02	11 T		11	0.42	9	0
10 T		12	0.41	12	0	10	0
11	0.3	13	0.33	13	0	11 T	
12	0.81	14	0.12	14	0.97	12	0.08
13	0.82	15	0.37	15	0.81	13 T	
14	0.29	16	0.09	16	0	14	0.02
15	0.45	17 T		17	0	15	0.02
16	0.27	18	0.27	18	0	16	0.35
17	0.04	19	0	19	0	17	0.07
18	0.08	20	0.01	20	0	18	0
19	0	21	0.01	21	0.04	19	0
20	0.05	22 T		2011		20	0
21	0.51	23	0	May sum		21 T	
22 T		24	0.23	22	0	22	0
23	0.04	25	0.33	23	0	23	0
24	0.21	26	0.15	24	0	24	0
25	0	27	0.28	25	0.41	25	0.13
26	0	28	0.14	26	0.01	26	0
27	0	29	0.12	27	0.02	27	0
28	0.14	30	0.26	28	0.01	28	0
29	0.24	31	0.32	29	0	29	0
30 T		2011		30 T		30	0
31	0	Apr sum		31	0.11	31 T	
2011		1	1.13	2011		2011	
Feb sum		2	0.37	Jun sum		Aug sum	
1	0	3	0.06	1	0.17	1	0
2	0	4	0.24	2	0.08	2	0
3	0.01	5	0.23	3	0	3	0
4	0.07	6	0.12	4	0	4	0
5	0.08	7	0.08	5	0	5 T	
6	0.25	8	0	6	0	6	0
7	0.05	9	0.01	7	0.21	7	0
8 T		10	0.16	8 T		8	0
9	0	11 T		9	0	9	0
10	0	12	0	10	0	10	0
11	0	13	0.17	11	0	11	0
12	0.37	14	0.4	12	0.01	12	0
13	0.24	15	0.09	13	0.11	13	0
14	0.54	16	0.06	14	0	14 T	
15	0.09	17	0.01	15	0.06	15	0
16	0.04	18	0.01	16	0	16	0
17	0.11	19	0	17	0	17	0
18	0	20 T		18	0.41	18	0
19	0	21 T		19	0.03	19	0
20	0	22 T		20	0	20	0
21	0.03	23	0	21	0	21	0
22	0.04	24	0.18	22	0	22	0.12
23	0.24	25	0.52	23	0.07	23	0
24 T		26	0.01	24	0.26	24	0
25	0	27	0.45	25	0.01	25	0
26 T		28	0.04	26	0	26	0
27	0.47	29 T		27 T		27	0
28	0.42	30	0.13	28 T		28	0
2011		2011		29 T		29 T	
Mar sum		May sum		30	0	30	0.01
1	0.24	1 T		2011		31	0
2	0.07	2	0.18	Jul sum		2011	
3	0.22	3 T		1	0	Sep sum	
4	0.12	4	0	2	0	1	0
5	0.02	5	0.03	3	0	2	0
6	0	6	0.13	4	0	3	0
7 T		7	0.04	5	0	4	0

Precipitation data—SeaTac Airport

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
5	0	5	0	5	0.05	6	0.02
6	0	6	0	6	0.1	7	0
7	0	7	0.01	7	T	8	0
8	0	8	T	8	0	9	0.14
9	0	9	T	9	0.17	10	0.41
10	0	10	0	10	0.04	11	0.54
11	0	11	0.23	11	0	12	0.76
12	0	12	0.25	12	0	13	0.37
13	T	13	0.02	13	0	14	0.34
14	0	14	0	14	0.16	15	0.94
15	0	15	0	15	0.21	16	0.33
16	0	16	0.49	16	0.1	17	0.37
17	0.2	17	0.28	17	0.32	18	0.14
18	0.28	18	0.08	18	0.78	19	0.08
19	0.01	19	0	19	0.6	20	0.14
20	0	20	0	20	0.53	21	0.05
21	T	21	0.3	21	0.12	22	0.16
22	T	22	1.76	22	0.24	23	0
23	0	23	0.55	23	T	24	0
24	T	24	0.26	24	0.34	25	T
25	0.19	25	0	25	0.32	26	T
26	0.59	26	0.02	26	0.19	27	0.19
27	0.01	27	0.42	27	0	28	0.05
28	0	28	T	28	T	29	1.08
29	0	29	0.09	29	1.09	30	0.22
30	0.01	30	0	30	0.14	31	0.52
2011		2011		31	0.07	2012	
Oct	sum	Dec	sum	2012		Apr	sum
1	0.02	1	T	Feb	sum	1	0.06
2	0.37	2	0.01	1	0.53	2	0
3	0.1	3	0	2	0	3	0.06
4	0.05	4	0	3	0	4	0
5	0.09	5	0	4	0	5	0.18
6	0.11	6	0	5	0	6	0.01
7	0.06	7	0	6	0	7	0
8	0.02	8	0	7	0.01	8	0
9	0.1	9	0	8	0.11	9	0
10	0.25	10	T	9	0.1	10	T
11	0.89	11	0.02	10	0.1	11	0.09
12	T	12	0	11	0.03	12	0.02
13	0	13	0	12	0.04	13	0
14	0.01	14	T	13	0.45	14	0
15	0	15	0.03	14	0.1	15	T
16	0	16	0	15	0	16	0.32
17	0	17	0	16	0.07	17	0.07
18	0	18	0.19	17	0.68	18	0.07
19	T	19	0	18	0.25	19	0.43
20	T	20	T	19	0	20	0.26
21	0.12	21	0	20	0.12	21	0
22	0.58	22	0	21	0.03	22	T
23	0	23	0.02	22	0.34	23	0
24	0	24	T	23	0	24	0.17
25	0	25	0.03	24	0.45	25	0.42
26	0.02	26	0.05	25	T	26	0.15
27	0	27	0.9	26	0.05	27	0.03
28	0.5	28	0.63	27	0	28	T
29	0	29	0.29	28	0.14	29	0.17
30	0.16	30	0.07	29	0.03	30	0.17
31	T	31	0	2012		2012	
2011		2012		Mar	sum	May	sum
Nov	sum	Jan	sum	1	T	1	0.02
1	0	1	T	2	0.08	2	0.02
2	0.35	2	0.43	3	0	3	0.73
3	0	3	0.03	4	T	4	0.07
4	0.05	4	0.8	5	0.27	5	0

Precipitation data—SeaTac Airport



Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
6	0	4	0	3	0	3	0.02
7	0	5	0	4	0	4	0.32
8	0	6	0	5	0	5	0.03
9	T	7	0	6	0	6	0.01
10	0	8	T	7	0	7	T
11	0	9	0.06	8	0	8	T
12	0	10	0	9	0.01	9	T
13	0	11	0	10	0.01	10	T
14	0	12	0	11	0	11	0.6
15	0	13	0.02	12	0	12	0.14
16	0	14	T	13	0	13	0.21
17	T	15	T	14	0	14	0.03
18	T	16	0.01	15	0	15	0
19	0	17	0	16	0	16	0.22
20	0.25	18	0	17	0	17	0.24
21	0.55	19	0	18	0	18	0.31
2012		20	0.6	19	0	19	2.13
May	sum	21	0	20	0	20	0.15
22	0.24	22	0.04	21	T	21	0.44
23	0.01	23	T	22	0.01	22	T
24	T	24	0	23	0	23	1.26
25	T	25	0	24	0	24	T
26	0	26	0	25	0	25	0
27	0	27	0	26	0	26	0
28	T	28	T	27	0	27	0
29	0	29	0	28	T	28	0.11
30	0.01	30	0	29	0	29	0.06
31	0.15	31	0	30	0	30	1.4
2012		2012		2012		2012	
Jun	sum	Aug	sum	Oct	sum	Dec	sum
1	0.26	1	0	1	0	1	0.16
2	0.01	2	0	2	0	2	0.77
3	0	3	0	3	0	3	0.51
4	0.05	4	0	4	0	4	0.56
5	0.63	5	0	5	0	5	0.06
6	0	6	T	6	0	6	0.06
7	0.65	7	0	7	0	7	0.04
8	0.06	8	0	8	0	8	0
9	T	9	0	9	0	9	0.06
10	0	10	0	10	0	10	0.02
11	T	11	0	11	0	11	0.12
12	0.03	12	0	12	0.08	12	0.32
13	0	13	0	13	0.19	13	0.09
14	0	14	0	14	0.65	14	0.31
15	0	15	0	15	0.31	15	0.21
16	T	16	0	16	0	16	0.89
17	0	17	0	17	0	17	0.08
18	0.12	18	0	18	0.82	18	0.13
19	0.04	19	0	19	0.19	19	0.54
20	0	20	0	20	0.02	20	0.52
21	0	21	T	21	0.25	21	0.07
22	0.62	22	0	22	0.35	22	0.13
23	0.34	23	0	23	T	23	0.26
24	0	24	0	24	0.28	24	0.01
25	0.02	25	0	25	0	25	0.53
26	T	26	0	26	0.06	26	0.18
27	0	27	0	27	0.91	27	0.16
28	T	28	0	28	0.24	28	T
29	0.01	29	0	29	0.43	29	0.06
30	0.12	30	0	30	1.36	30	0
2012		31	0	31	0.57	31	0
Jul	sum	2012		2012		2013	
1	T	Sep	sum	Nov	sum	Jan	sum
2	0.08	1	0	1	0.38	1	0
3	0.23	2	0	2	0.22	2	0

Precipitation data—SeaTac Airport

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
3	0.16	5 T		5	0	3	0
4	0.1	6	0.47	6	0	4	0
5	0.12	7	0.29	7	0	5	0
6	0.08	8	0	8	0	6	0
7	0.09	9	0	9	0	7	0
8	0.64	10	0.03	10	0	8	0
9	1.51	11	0.05	11	0	9	0
10	0.01	12	0.08	12	0.26	10	0
11	0	13	0.09	13	0.13	11	0
12	0	14	0.11	14	0	12	0
13	0	15 T		15	0.04	13	0
14	0	16	0.17	16 T		14	0
15	0	17	0	17	0.02	15	0
16	0	18 T		18 T		16 T	
17	0	19	0.46	19 T		17 T	
18	0	20	0.39	20	0	18	0
19	0	21	0.32	21	0.54	19	0
20	0	22	0	2013		20	0
21	0	23	0	May sum		21	0
22	0	24	0	22	0.54	22	0
23	0.2	25	0	23	0.16	23	0
24	0.23	26	0	24	0.01	24	0
25	0.12	27	0.01	25 T		25	0
26	0.09	28	0.08	26	0.06	26	0
27	0.07	29 T		27	0.38	27	0
28	0.31	30	0	28	0.02	28	0
29	0.17	31	0	29	0.22	29 T	
30	0.14	2013		30 T		30	0
31	0.12	Apr sum		31	0	31	0
2013		1	0	2013		2013	
Feb sum		2	0	Jun sum		Aug sum	
1	0.01	3	0	1 T		1	0
2	0	4	0.33	2	0.04	2	0.08
3	0.09	5	0.73	3	0	3 T	
4 T		6	0.5	4	0	4	0
5	0.13	7	1.54	5	0	5	0
6	0.04	8	0.03	6	0	6	0
7	0.05	9 T		7 T		7	0
8	0	10	0.37	8	0	8	0
9	0.01	11	0.06	9	0	9 T	
10	0	12	0.38	10	0	10	0.09
11	0.01	13	0.37	11	0	11	0
12	0.04	14	0.23	12	0.01	12	0
13	0.09	15 T		13	0	13	0
14	0.04	16	0.01	14	0	14	0.03
15	0	17	0	15	0	15	0.07
16 T		18	0.21	16	0	16	0
17 T		19	0.81	17 T		17	0
18 T		20 T		18	0.01	18	0
19	0	21	0.13	19 T		19	0
20	0.06	22	0	20	0.12	20	0
21	0.02	23	0	21	0.01	21	0
22	0.37	24	0	22	0	22	0
23	0.01	25	0	23	0.31	23 T	
24 T		26	0	24	0.19	24	0
25	0.09	27 T		25	0.39	25	0.01
26	0.02	28	0.04	26	0.08	26	0.04
27	0.18	29	0.15	27	0.14	27	0.05
28	0.32	30 T		28	0	28	0.22
2013		2013		29	0	29	0.76
Mar sum		May sum		30	0	30	0
1	0.16	1	0	2013		31	0
2	0.03	2	0	Jul sum		2013	
3	0	3	0	1	0	Sep sum	
4	0	4	0	2	0	1	0

Precipitation data—SeaTac Airport

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
2 T		2	0.5	2	0.16	4	0.65
3	0.09	3	0.02	3	0.06	5	1.84
4	0.01	4 T		4	0	6	0.12
5	1.09	5	0.1	5	0	7	0
6	0.84	6	0.15	6	0.01	8	1.27
7	0	7	1.18	7	0.48	9	0.17
8	0	8	0	8	0.38	10	0.74
9	0	9	0.07	9	0.23	11	0
10	0	10 T		10	0.17	12	0
11	0	11	0	11	0.84	13	0
12	0	12	0.16	12	0.06	14	0.27
13	0	13	0	13	0	15	0.32
14	0	14	0.05	14 T		16	1.09
15	0.13	15	0.12	15	0	17	0.01
16	0.01	16	0	16	0	18 T	
17 T		17	0.21	17	0	19	0.02
18	0	18	1.03	18	0	20	0
19	0	19	0.04	19	0	21	0
20	0.14	20	0	20	0	22	0
21 T		21	0	21	0	23	0
22	0.53	22	0	22	0.02	24	0
23	0.11	23	0	23	0	25	0.16
24 T		24	0	24	0	26	0.14
25	0.08	25	0	25	0	27	0.01
26	0	26 T		26	0	28	0.87
27	0.04	27	0	27	0	29	0.55
28	1.71	28	0	28	0.35	30	0
29	0.66	29	0.02	29	0.85	31	0
30	0.73	30	0.09	30	0	2014	
2013		2013		31	0.09	Apr	sum
Oct	sum	Dec	sum	2014		1	0
1	0.31	1	0.12	Feb	sum	2	0
2	0.21	2	0.18	1	0.08	3	0.1
3	0.03	3	0	2	0	4 T	
4	0	4	0	3	0	5	0.18
5	0	5	0	4	0	6	0
6	0.16	6	0	5	0	7	0
7	0.02	7	0	6 T		8	0.18
8	0.27	8	0	7 T		9	0
9	0	9	0	8	0.2	10	0
10	0.04	10	0	9	0.02	11	0
11	0.36	11	0	10	0.72	12	0
12	0.04	12	0.27	11	0.67	13	0
13	0	13	0.02	12	0.18	14	0
14	0	14 T		13	0.07	15	0.02
15	0	15	0.05	14	0.37	16	0.43
16	0	16	0.01	15	0.46	17	0.73
17	0	17	0	16	1.04	18	0
18	0	18	0.05	17	0.57	19	0.54
19	0	19	0	18	0.6	20	0
20	0	20	0.22	19	0.04	21	0.2
21	0	21	0.22	20	0.12	22	0.56
22	0	22	0.42	21	0.11	23	0.35
23	0	23	0.06	22	0.1	24	0.49
24	0	24	0	23	0.24	25	0
25	0	25	0	24	0.51	26	0.13
26	0	26	0	25	0.01	27	0.27
27	0.07	27	0.01	26	0	28	0
28	0	28	0	27	0	29	0
29	0	29	0	28	0	30	0
30	0.02	30	0.01	2014		2014	
31	0.01	31	0.02	Mar	sum	May	sum
2013		2014		1	0.02	1	0
Nov	sum	Jan	sum	2	0.75	2 T	
1	0.05	1 T		3	0.42	3	1.31

Precipitation data—SeaTac Airport



Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
4	0.63	2	0	1	0	1	0
5	0.2	3	0	2	0.12	2	0.07
6	0	4	0	3	0	3	0.43
7	0	5	0	4	0	4	0.16
8	0.54	6	0	5	0	5	0.19
9	0.08	7	0	6	0	6	0.16
10	0.02	8	0	7	0	7	0
11	0	9	0	8	T	8	0
12	0	10	0	9	T	9	0.2
13	0	11	0	10	0	10	0
14	0	12	0	11	0	11	0
15	0	13	T	12	0	12	0
16	0	14	0	13	0	13	0
17	0	15	0	14	0	14	0
18	T	16	0	15	0	15	0
19	0	17	0	16	T	16	0
20	0	18	0	17	0.02	17	0
21	0	19	0	18	0.01	18	0
2014		20	0	19	0	19	T
May	sum	21	0	20	0	20	0.14
22	0	22	0.01	21	0	21	0.6
23	0.15	23	0.76	22	0.01	22	0.02
24	0	24	T	23	0.72	23	0.47
25	0.22	25	0	24	0.8	24	0.05
26	0	26	0	25	0.17	25	0.72
27	0	27	0	26	0.35	26	0.01
28	T	28	0	27	0	27	0.13
29	0	29	0	28	0	28	1.35
30	0	30	0	29	0.03	29	0.14
31	0	31	0	30	T	30	0
2014		2014		2014		2014	
Jun	sum	Aug	sum	Oct	sum	Dec	sum
1	0	1	T	1	0	1	0
2	0	2	0.02	2	0	2	0
3	0	3	0	3	0	3	0
4	0	4	0	4	0	4	0.03
5	0	5	0	5	0	5	0.12
6	0	6	0	6	0	6	0.29
7	0	7	0	7	0	7	0
8	0	8	0	8	0	8	0.36
9	T	9	0	9	T	9	0.39
10	0	10	0	10	0.01	10	0.51
11	0	11	0.02	11	0.29	11	0.27
12	0.07	12	0.5	12	T	12	T
13	0.25	13	0.85	13	0.3	13	T
14	0	14	T	14	0.28	14	0
15	0.02	15	0.04	15	0.34	15	0
16	0.14	16	0	16	T	16	T
17	0.05	17	0	17	0.13	17	0.11
18	0	18	0	18	0.59	18	0.51
19	0.03	19	0	19	0	19	0.12
20	0.01	20	0	20	0.46	20	0.77
21	0	21	0	21	0.04	21	0
22	0	22	0	22	1.26	22	0
23	T	23	0	23	0.37	23	0.81
24	0	24	0	24	0.16	24	0.21
25	0	25	0	25	0.24	25	0
26	T	26	0	26	0.06	26	0
27	0.07	27	0	27	0.03	27	0.13
28	0.09	28	0	28	0.5	28	0.16
29	T	29	T	29	0.02	29	0
30	0	30	0.33	30	1	30	0
2014		31	0.05	31	0.67	31	0
Jul	sum	2014		2014		2015	
1	0	Sep	sum	Nov	sum	Jan	sum

Precipitation data—SeaTac Airport

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
1	0	3	0				
2	0.06	4	0				
3	T	5	0				
4	0.4	6	0				
5	0.32	7	0				
6	0	8	0				
7	0	9	0				
8	0	10	0.03				
9	0.01	11	0.08				
10	0.23						
11	0.06						
12	T						
13	0						
14	0						
15	0.38						
16	T						
17	1.03						
18	0.84						
19	0.02						
20	0						
21	0						
22	0.03						
23	0.23						
24	0.02						
25	0						
26	0						
27	0.03						
28	T						
29	0						
30	0						
31	0						
2015							
Feb	sum						
1	0.06						
2	0.29						
3	0.05						
4	0.33						
5	1.03						
6	0.68						
7	0.93						
8	0.14						
9	0.24						
10	0.01						
11	T						
12	0.04						
13	0						
14	0.01						
15	0						
16	0						
17	0						
18	0						
19	0.18						
20	0.03						
21	0						
22	0						
23	0						
24	0						
25	0.16						
26	0.37						
27	0.72						
28	0						
2015							
Mar	sum						
1	0						
2	0						

Precipitation data—SeaTac Airport

CERTIFICATE OF SERVICE

I, Jessie Sherwood, certify under penalty of perjury of the laws of the State of Washington that on May 21, 2015, I served copies of the foregoing Complaint via United States Mail, postage prepaid with return receipt requested, upon the following:

Attorney General - Citizen Suit Coordinator  
Environmental and Natural Resources Division  
Law & Policy Section  
PO Box 7415  
Ben Franklin Station  
Washington, DC 20044-7415

Gina McCarthy  
Administrator, U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code 1101A  
Washington, DC 20460

Dennis J. McLerran  
Regional Administrator  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Ave., Suite 900  
Seattle, WA 98101

This certificate is being prepared and maintained according to standard protocol for this office.

Jessie C Sherwood  
Jessie Sherwood

5/21/2015  
Date

CERTIFICATE OF SERVICE

SMITH & LOWNEY, P.L.L.C.  
2317 EAST JOHN STREET  
SEATTLE, WASHINGTON 98112  
(206) 860-2883



